

JUDICIAL PANEL ON  
MULTIDISTRICT  
LITIGATION

SEP 31 1998

DOCKET NO. 1203

FILED  
CLERK'S OFFICE

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE DIET DRUGS (PHENTERMINE, FENFLURAMINE,  
DEXFENFLURAMINE) PRODUCTS LIABILITY LITIGATION

BEFORE JOHN F. NANGLE, CHAIRMAN, ROBERT R. MERHIGE, JR.,  
WILLIAM B. ENRIGHT, CLARENCE A. BRIMMER, JOHN F. GRADY,  
BAREFOOT SANDERS AND LOUIS C. BECHTLE,\* JUDGES OF THE PANEL

### TRANSFER ORDER

Presently before the Panel are a total of five motions, pursuant to Rule 12, R.P.J.P.M.L., 147 F.R.D. 589, 596 (1993), by plaintiffs in the eighteen actions listed on the attached Schedule A seeking to vacate the Panel's orders conditionally transferring their respective actions to the Eastern District of Pennsylvania for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket before Judge Louis C. Bechtle. Defendant American Home Products Corporation and/or one or more of its related entities have responded in opposition to all five motions to vacate and in support of transfer of all eighteen actions to the Eastern District of Pennsylvania. Defendant SmithKline Beecham Corporation has responded in opposition to the motions to vacate in the Eastern District of Louisiana and District of Wyoming actions and in support of transfer of those two actions to the Eastern District of Pennsylvania.

On the basis of the papers filed,<sup>1</sup> the Panel finds that these eighteen actions involve common questions of fact with the actions in this litigation previously transferred to the Eastern District of Pennsylvania, and that transfer of these eighteen actions to the Eastern District of Pennsylvania for inclusion in the coordinated or consolidated pretrial proceedings in that district will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. The Panel further finds that transfer of these actions is appropriate for reasons expressed by the Panel in its original order (as amended) directing centralization in this docket. See *In re Diet Drugs (Phentermine, Fenfluramine, Dexfenfluramine) Products Liability Litigation*, 1998 WL 12070 (J.P.M.L.). We note that the various jurisdictional or quasi-jurisdictional motions — for remand to state court, voluntary dismissal or joinder of additional defendants — pending in many of these

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\* Judge Bechtle took no part in the decision of this matter.

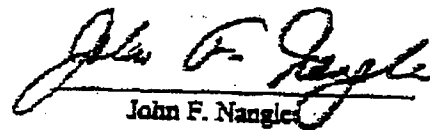
<sup>1</sup> The parties to these eighteen actions waived oral argument and accordingly the question of transfer of these actions was submitted on the briefs. Rule 17, R.P.J.P.M.L., 147 F.R.D. 589, 600-01 (1993).

- 2 -

actions can be presented to and decided by the transferee court. See, e.g., *In re Ivy*, 901 F.2d 7 (2<sup>nd</sup> Cir. 1990); *In re Air Crash Disaster at Florida Everglades on December 29, 1972*, 368 F.Supp. 812, 813 (J.P.M.L. 1973).

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. §1407, the eight~~est~~ actions listed on the attached Schedule A be, and the same hereby are, transferred to the Eastern District of Pennsylvania and, with the consent of that court, assigned to the Honorable Louis C. Bechtel for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

FOR THE PANEL:



John F. Nangle  
Chairman

SCHEDULE A

MDL-1203 — In re Diet Drugs (Phentermine, Fenfluramine, Dexfenfluramine) Products Liability Litigation

Eastern District of Louisiana

*Pericy L. Herman v. American Medical Group, Inc., et al.*, C.A. No. 2:97-3387

Southern District of New York

*Vincent Maddi v. Wyeth-Ayerst Laboratories Co., et al.*, C.A. No. 1:97-7533  
*Angela Migliorzi, et al. v. Wyeth-Ayerst Laboratories Co., et al.*, C.A. No. 1:97-7548  
*Maribel Ruiz-Gonzalez v. Wyeth-Ayerst Laboratories Co., et al.*, C.A. No. 1:97-7549  
*Angelo G. Pastora, et al. v. Wyeth-Ayerst Laboratories Co., et al.*, C.A. No. 1:97-7550  
*Grace Seifert v. Wyeth-Ayerst Laboratories Co., et al.*, C.A. No. 1:97-7551  
*Sharon A. Myers v. Wyeth-Ayerst Laboratories Co., et al.*, C.A. No. 1:97-7552  
*Gloria Baldwin v. Wyeth-Ayerst Laboratories Co., et al.*, C.A. No. 1:97-7553  
*Jeffrey Doris, et al. v. Wyeth-Ayerst Laboratories Co., et al.*, C.A. No. 1:97-7554  
*Rose T. Pearson, et al. v. Wyeth-Ayerst Laboratories Co., et al.*, C.A. No. 1:97-7555  
*William Saccone, et al. v. Wyeth-Ayerst Laboratories Co., et al.*, C.A. No. 1:97-7556  
*Donna Oliva, et al. v. Wyeth-Ayerst Laboratories Co., et al.*, C.A. No. 1:97-7557  
*Maria Maira, et al. v. A.H. Robins Co., Inc.*, C.A. No. 1:97-7852  
*Joe Maira, et al. v. A.H. Robins Co., et al.*, C.A. No. 1:97-7854  
*John A. LaMaccia v. A.H. Robins Co., Inc., et al.*, C.A. No. 1:97-7855

Western District of Oklahoma

*Jean Will v. American Home Products Corp.*, C.A. No. 5:97-1897

Western District of Texas

*Kelly Beth Ritter v. Wyeth-Ayerst Laboratories Co., et al.*, C.A. No. 7:97-185

District of Wyoming

*Christina Heller v. Gate Pharmaceuticals, et al.*, C.A. No. 2:97-230